

REMARKS

This application has been carefully reviewed in light of the final Office Action dated October 5, 2005. Claims 1 to 3, 5 and 6 are in the application, of which Claim 1 is still the only independent claim. Reconsideration and further examination are respectfully requested.

On the other hand, the Examiner has maintained his rejections based on prior art, and additionally has marked those rejections "final". Thus, Claims 1 and 3 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,437,816 (Fujita); Claim 2 has been rejected under § 103(a) over Fujita in view of U.S. Patent Application Publication 2001/0050933 (Takahashi); and Claim 5 has been rejected under § 103(a) over Fujita in view of U.S. Patent 6,798,820 (Okuwaki). Please let us have your detailed technical comments for responding to these rejections.

In preparing your comments, please note the Examiner's response, found at pages 6 and 7 of the Office Action, to prior arguments in support of patentability.

According to the Examiner, Fujita teaches "selectable" adjustment of optical path lengths. Please let us have your thinking on the Examiner's position.

If you decide to accept the allowable subject matter of dependent Claim 6 and request that we cancel rejected claims that are broader, then there is a strong likelihood that an infringer in a litigation would argue that the features recited in these dependent claims should be restricted to their literal scope and should not be entitled to a broader scope under the doctrine of equivalents. Accordingly, you might wish to consider language broader than that which the Examiner has currently indicated as allowable. You should

understand that an infringer is likely to argue that these features too should also be restricted to their literal scope, so if you are aware no of any equivalents, then these equivalents should be included within the literal scope of any broader claim that is presented. In any event, if you would like us to pursue claim language broader than that currently indicated as allowable, then we also recommend that you authorize us to discuss the language with the Examiner before a written response is filed, in an effort to obtain pre-approval for it. Please let us know if you have any questions.

The Examiner has entered an objection to the disclosure and has indicated that the replacement drawings dated July 11, 2005 have been accepted. We will attend to the objection to the disclosure, which we believe is faulty since it is based on language that no longer appears in Claim 3.

1. (Currently Amended) A laser exposing apparatus comprising
 - a first laser source emitting a first laser beam;
 - a second laser source emitting a second laser beam shorter in wavelength than the first laser beam;
 - optical means for directing the first laser beam and the second laser beam to a photosensitive member; and
 - adjusting means for selectable adjustment of respective optical path lengths of the first and second laser beams so that the optical path length of the first laser beam is set to be relatively shorter than the optical path length of the second laser beam which is set to be relatively longer; and

wherein optical paths having shorter and longer optical path lengths from the respective laser source to the photosensitive member are arranged consecutively, and said adjusting means sets the longer optical path length to the optical path of the second laser beam.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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